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Approved For Release 2004/05/05 : CIA-RDP84B00890R000300030040-0

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17 FEB 1981

DD/A REGISTRY

FILE: LegalSTAT MEMORANDUM FOR:   
Assistant Legislative CounselFROM: James H. McDonald  
Director of LogisticsSUBJECT: Federal Reports Authorship Disclosure  
Act of 1981REFERENCE: Multiple Addressee Memo from C/LD/OLC,  
dtd 2 Feb 81, subject: S. 106: A Bill  
to Require the Disclosure of Information  
Relating to Reports Prepared for Executive  
Agencies by Experts or Consultants  
(OLC 81-0256, DDA 81-0228)

1. We have reviewed subject bill as requested in referent. C/LD/OLC mentioned that the bill does not purport to override provisions of law relating to the protection of intelligence sources and methods, and indicated that OLC believes existing authorities would be sufficient to protect classified or otherwise sensitive information.

2. We could have concurred in this position prior to a recent court decision. The opinion of the U.S. Court of Appeals in the case of John Cary Sims v. Central Intelligence Agency so narrowly defines the term "intelligence source" that, unless the relationship between the CIA and the expert or consultant is classified, or unless the expert or consultant specifically requests that his relationship with the CIA be held in confidence, there is a strong possibility that we would be required to comply with the bill should it become law.

3. We recommend that an attempt be made to completely exempt the Agency from the requirements of the bill.

/s/ James H. McDonald

James H. McDonald

cc: OLC Registry  
✓DDA Registry

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